

Title 33**ENVIRONMENTAL QUALITY****Part V. Hazardous Waste and Hazardous Materials****Subpart 1. Department of Environmental Quality - Hazardous Waste****Chapter 1. General Provisions and Definitions****§105. Program Scope**

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to denial of a permit for the active life of a hazardous waste management facility or TSD unit under LAC 33:V.706. Definitions appropriate to these rules and regulations, including "solid waste" and "hazardous waste," appear in LAC 33:V.109. Those wastes which are excluded from regulation are found in this Section.

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[See Prior Text in A-D.47]

48. The following wastes are exempt from regulation

under this Subpart, except as specified in LAC 33:V.Chapter 38,
and therefore, are not fully regulated as hazardous waste. The
wastes listed in this Section are subject to regulation under
LAC 33:V.Chapter 38:

- a. batteries as described in LAC 33:V.3803;
- b. pesticides as described in LAC 33:V.3805; and
- c. thermostats as described in LAC 33:V.3807.

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[See Prior Text in E-M.10]

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1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR
13:651 (November 1987), LR 14:790 (November 1988), LR 15:181
(March 1989), LR 16:47 (January 1990), LR 16:217 (March 1990),
LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July

1990), LR 17:362 (April 1991), LR 17:368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813 (September 1996), LR 22:831 (September 1996), LR 23:**.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality - Hazardous Waste

Chapter 3. General Conditions for Treatment, Storage, and
Disposal Facility Permits

§305. Scope of the Permit

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[See Prior Text in A-C.9]

10. owners and operators of facilities granted a research development and demonstration permit under section 3005(g) of Subtitle C of RCRA, is so specifically exempted by the administrative authority or

11. universal waste handlers and universal waste transporters (as defined in LAC 33:V.3813) handling the wastes listed below. These handlers are subject to regulation under LAC 33:V.Chapter 38, when handling the below listed universal wastes:

a. batteries as described in LAC 33:V.3803;

b. pesticides as described in LAC 33:V.3805; and

c. thermostats as described in LAC 33:V.3807.

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[See Prior Text in D-G.3]

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Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality - Hazardous Waste

Chapter 15. Treatment, Storage, and Disposal Facilities

§1501. Applicability

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[See Prior Text in A-C.8]

9. The addition of absorbent material to waste in a container (see LAC 33:V.109), or the addition of waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container and LAC 33:V.1517.B, 2103, and 2105 are complied with; ~~or~~

10. A generator accumulating waste on-site in compliance with LAC 33:V.1109.E ~~or~~; or

11. universal waste handlers and universal waste transporters (as defined in LAC 33:V.3813) handling the wastes listed below. These handlers are subject to regulation under LAC 33:V.Chapter 38, when handling the below listed universal

wastes:

- a. batteries as described in LAC 33:V.3803;
- b. pesticides as described in LAC 33:V.3805; and
- c. thermostats as described in LAC 33:V.3807.

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Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality-Hazardous Waste

Chapter 22. Prohibitions on Land Disposal

Subchapter A. Land Disposal Restrictions

§2201. Purpose, Scope, and Applicability

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[See Prior Text in A-I.2]

3. de minimis losses to wastewater treatment systems of commercial chemical product or chemical intermediates that are ignitable (D001), corrosive (D002), or are organic constituents that exhibit the characteristic of toxicity (D012-D043), and that contain underlying hazardous constituents as defined in LAC 33:V.2203 are not considered to be prohibited wastes. De minimis is defined as losses from normal material-handling operation (e.g. spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks

of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing; ~~or~~

4. land disposal prohibitions for hazardous characteristic wastes do not apply to laboratory wastes displaying the characteristic of ignitability (D001), corrosivity (D002), or organic toxicity (D012-D043) that are mixed with other plant wastewaters at facilities whose ultimate discharge is subject to regulation under the Clean Water Act (CWA) (including wastewaters at facilities that have eliminated the discharge of wastewater), provided that the annualized flow of laboratory wastewater into the facility's headworks does not exceed one percent, or provided that the laboratory wastes' combined annualized average concentration does not exceed one part per million in the facility's headworks ~~or~~ or

5. universal waste handlers and universal waste

transporters (as defined in LAC 33:V.3813) are exempt from LAC
33:V.2205, 2245.A-I, 2246.E, and 2247 for the wastes listed
below. These handlers are subject to regulation under LAC
33:V.Chapter 38, when handling the below listed universal
wastes:

- a. batteries as described in LAC 33:V.3803;
- b. pesticides as described in LAC 33:V.3805; and
- c. thermostats as described in LAC 33:V.3807.

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Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality-Hazardous Waste

Chapter 35. Closure and Post-closure

§3525. Post-closure Notices

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[See Prior Text in A-B.1.b]

c. the survey plat and record of the type, location, and quantity of hazardous wastes disposed of within each cell or other hazardous waste disposal unit of the facility required by LAC 33:V.3517 and ~~3527~~this Section have been filed with the local zoning authority or the authority with jurisdiction over local land use and with the administrative authority; and

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[See Prior Text in B.2-C.2]

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Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality - Hazardous Waste

Chapter 38. Universal Wastes

Subchapter A. General

§3801. Scope and Applicability

A. This Chapter establishes requirements for managing batteries, pesticides, and thermostats as described in LAC 33:V.3813. This Chapter provides an alternative set of management standards in lieu of regulations under this Subpart.

B. Persons managing household wastes that are exempt under LAC 33:V.105.D.10 and are also of the same type as the universal wastes defined in this Chapter may, at their option, manage these wastes under the requirements of this Chapter.

C. Persons who commingle the wastes described in Subsection B of this Section together with universal waste regulated under this Chapter, must manage the commingled waste

under the requirements of this Chapter.

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§3803. Applicability - Batteries

A. Batteries Covered Under this Chapter

1. The requirements of this Chapter apply to persons
managing batteries, as described in LAC 33:V.3813, except those
listed in Subsection B of this Section.

2. Spent lead-acid batteries which are not managed
under LAC 33:V.Chapter 41 are subject to management under this
Chapter.

B. Batteries Not Covered Under this Chapter. The
requirements of this Chapter do not apply to persons managing
the following batteries:

1. spent lead-acid batteries that are managed under
LAC 33:V.Chapter 41;

2. batteries, as described in LAC 33:V.3813, that are not yet wastes under LAC 33:V.4901, including those that do not meet the criteria for waste generation in Subsection C of this Section; and

3. batteries, as described in this Chapter, that are not hazardous waste. A battery is a hazardous waste if it exhibits one or more of the characteristics identified in LAC 33:V.4903.

C. Generation of Waste Batteries

1. A used battery becomes a waste on the date it is discarded (e.g., when sent for reclamation).

2. An unused battery becomes a waste on the date the handler decides to discard it.

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§3805. Applicability - Pesticides

A. Pesticides Covered Under this Chapter. The requirements of this Section apply to persons managing pesticides, as described in LAC 33:V.3813, meeting the following conditions, except those listed in Subsection B of this Section:

1. recalled pesticides that are:

a. stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under FIFRA section 19(b), including, but not limited to those owned by the registrant responsible for conducting the recall; or

b. stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant.

2. stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.

B. Pesticides Not Covered Under this Chapter. The requirements of this Chapter do not apply to persons managing the following pesticides:

1. recalled pesticides described in Subsection A.1 of

this Section, and unused pesticide products described in Subsection A.2 of this Section, that are managed by farmers in compliance with LAC 33:V.105.D.5 (LAC 33:V.105.D.5 addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with the definition of empty container under LAC 33:V.109);

2. pesticides not meeting the conditions set forth in Subsection A of this Section. These pesticides must be managed in compliance with the hazardous waste regulations in LAC 33:V.Subpart 1;

3. pesticides that are not wastes under Subsection C of this Section, including those that do not meet the criteria for waste generation in Subsection C of this Section or those that are not wastes as described in Subsection D of this Section; and

4. pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is listed in LAC 33:V.4901 or if it exhibits one or more of the characteristics identified

in LAC 33:V.4903.

C. When a Pesticide Becomes a Waste.

1. A recalled pesticide described in Subsection A of this Section becomes a waste on the first date on which both of the following conditions apply:

a. the generator of the recalled pesticide agrees to participate in the recall; and

b. the person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).

2. An unused pesticide product described in Subsection A.2 of this Section becomes a waste on the date the generator decides to discard it.

D. Pesticides That Are Not Wastes. The following pesticides are not wastes:

1. recalled pesticides described in Subsection A.1 of this Section, provided that the person conducting the recall:

a. has not made a decision to discard (e.g., burn for energy recovery) the pesticide. Until such a decision is made, the pesticide does not meet the definition of "solid

waste" under LAC 33:V.109; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including this Chapter. This pesticide remains subject to the requirements of FIFRA; or

b. has made a decision to use a management option that, under LAC 33:V.109, does not cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery), or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this Chapter. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA;

2. unused pesticide products described in Subsection A.2 of this Section, if the generator of the unused pesticide product has not decided to discard (e.g., burn for energy recovery) them. These pesticides remain subject to the requirements of FIFRA.

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§3807. Applicability - Mercury thermostats

A. Thermostats Covered Under this Chapter. The requirements of this Chapter apply to persons managing thermostats, as described in LAC 33:V.3813, except those listed in Subsection B of this Section.

B. Thermostats Not Covered Under this Chapter. The requirements of this Chapter do not apply to persons managing the following thermostats:

1. thermostats that are not yet wastes under LAC 33:V.Chapter 49. Subsection C of this Section describes when thermostats become wastes; and

2. thermostats that are not hazardous waste. A thermostat is a hazardous waste if it exhibits one or more of

the characteristics identified in LAC 33:V.4903.

C. Generation of Waste Thermostats

1. A used thermostat becomes a waste on the date it is discarded (e.g., sent for reclamation).

2. An unused thermostat becomes a waste on the date the handler decides to discard it.

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§3813. Definitions

Battery—a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken

battery from which the electrolyte has been removed.

Destination Facility—a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in LAC 33:V.3821.A and C and 3843.A and C. A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

FIFRA—The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 - 136y).

Generator—any person, by site, whose act or process produces hazardous waste identified or listed in LAC 33:V.Chapter 49 or whose act first causes a hazardous waste to become subject to regulation.

Large Quantity Handler of Universal Waste—a universal waste handler (as defined in this Section) who accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, or thermostats, calculated collectively) at any time. This designation as a large quantity handler of universal

waste is retained through the end of the calendar year in which
5,000 kilograms or more total of universal waste is accumulated.

On-site—the same or geographically contiguous property
which may be divided by public or private right-of-way, provided
that the entrance and exit between the properties is at a cross-
roads intersection, and access is by crossing as opposed to
going along the right of way. Non-contiguous properties owned
by the same person but connected by a right-of-way which he
controls and to which the public does not have access, are also
considered on-site property.

Pesticide—any substance or mixture of substances intended
for preventing, destroying, repelling, or mitigating any pest,
or intended for use as a plant regulator, defoliant, or
desiccant, other than any article that:

1. is a new animal drug under FFDCA section 201(w); or
2. is an animal drug that has been determined by
regulation of the Secretary of Health and Human Services not to
be a new animal drug; or
3. is an animal feed under FFDCA section 201(x) that

bears or contains any substances described by Paragraph 1 or 2 of this Subsection.

Small Quantity Handler of Universal Waste—a universal waste handler (as defined in this Section) who does not accumulate more than 5,000 kilograms total of universal waste (batteries, pesticides, or thermostats, calculated collectively) at any time.

Thermostat—a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with the requirements of LAC 33:V.3821.C.2 or 3843.C.2.

Universal Waste—any of the following hazardous wastes that are subject to the universal waste requirements of this Chapter:

1. batteries as described in LAC 33:V.3803;
2. pesticides as described in LAC 33:V.3805; and
3. thermostats as described in LAC 33:V.3807.

Universal Waste Handler—A generator (as defined in this Section) of universal waste; or the owner or operator of a

facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination. A universal waste handler does not include a person who treats (except under the provisions of LAC 33:V.3821.A or C, or 3843.A or C), disposes of, or recycles universal waste; or a person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

Universal Waste Transfer Facility—any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for 10 days or less.

Universal Waste Transporter—a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

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Subchapter B. Standards for Small Quantity Handlers of Universal Waste

§3815. Applicability

This Subchapter applies to small quantity handlers of universal waste (as defined in LAC 33:V.3813).

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§3817. Prohibitions

A small quantity handler of universal waste is:

1. prohibited from disposing of universal waste; and
2. prohibited from diluting or treating universal

waste, except by responding to releases as provided in LAC
33:V.3829; or by managing specific wastes as provided in LAC
33:V.3821.

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§3819. Notification

A small quantity handler of universal waste is not required
to notify the department of universal waste handling activities.

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§3821. Waste Management

A. Universal Waste Batteries. A small quantity handler of
universal waste must manage universal waste batteries in a way

that prevents releases of any universal waste or component of a
universal waste to the environment, as follows:

1. a small quantity handler of universal waste must
contain any universal waste battery that shows evidence of
leakage, spillage, or damage that could cause leakage under
reasonably foreseeable conditions in a container. The container
must be closed, structurally sound, compatible with the contents
of the battery, and must lack evidence of leakage, spillage, or
damage that could cause leakage under reasonably foreseeable
conditions;

2. a small quantity handler of universal waste may
conduct the following activities as long as the casing of each
individual battery cell is not breached and remains intact and
closed (except that cells may be opened to remove electrolyte
but must be immediately closed after removal):

- a. sorting batteries by type;
- b. mixing battery types in one container;
- c. discharging batteries so as to remove the
electric charge;

- d. regenerating used batteries;
 - e. disassembling batteries or battery packs into
individual batteries or cells;
 - f. removing batteries from consumer products; or
 - g. removing electrolyte from batteries; and
3. a small quantity handler of universal waste who
removes electrolyte from batteries, or who generates other solid
waste (e.g., battery pack materials, discarded consumer
products) as a result of the activities listed above, must
determine whether the electrolyte and/or other solid waste
exhibit a characteristic of hazardous waste identified in LAC
33:V.4903.
- a. If the electrolyte and/or other solid waste
exhibit a characteristic of hazardous waste, it is subject to
all applicable requirements of these regulations. The handler
is considered the generator of the hazardous electrolyte and/or
other waste and is subject to LAC 33:V.Chapter 11.
 - b. If the electrolyte or other solid waste does
not exhibit a characteristic of hazardous waste, the handler may

manage the waste in any way that is in compliance with
applicable federal, state or local solid waste regulations.

B. Universal Waste Pesticides. A small quantity handler
of universal waste must manage universal waste pesticides in a
way that prevents releases of any universal waste or component
of a universal waste to the environment. The universal waste
pesticides must be contained in one or more of the following:

1. a container that remains closed, structurally
sound, compatible with the pesticide, and that lacks evidence of
leakage, spillage, or damage that could cause leakage under
reasonably foreseeable conditions; or

2. a container that does not meet the requirements of
Subsection B.1 of this Section, provided that the unacceptable
container is overpacked in a container that does meet the
requirements of Subsection B.1 of this Section or

3. a tank that meets the requirements of LAC
33:V.Chapter 19 except for LAC 33:V.1915.C; or

4. a transport vehicle or vessel that is closed,
structurally sound, compatible with the pesticide, and that

lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

C. Universal Waste Thermostats. A small quantity handler of universal waste must manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1. a small quantity handler of universal waste must contain any universal waste thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the thermostat, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2. a small quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats, provided the handler:

a. removes the ampules in a manner designed to prevent breakage of the ampules;

b. removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

c. ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of LAC
33:V.1109.E;

d. immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of LAC
33:V.1109.E;

e. ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

f. ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

g. stores removed ampules in closed, non-leaking containers that are in good condition;

h. packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

3. a small quantity handler of universal waste who removes mercury-containing ampules from thermostats must determine whether the mercury or clean-up residues resulting from spills or leaks, and/or other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units) exhibit a characteristic of hazardous waste identified in LAC 33:V.4903.

a. If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of these regulations. The handler is considered the generator of the mercury, residues, and/or other waste and must manage it subject to LAC 33:V.Chapter 11.

b. If the mercury, residues, and/or other solid

waste does not exhibit a characteristic of hazardous waste, the
handler may manage the waste in any way that is in compliance
with applicable federal, state or local solid waste regulations.

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§3823. Labeling/Marking

A small quantity handler of universal waste must label or
mark the universal waste to identify the type of universal waste
as specified below:

1. universal waste batteries (i.e. each battery), or
a container in which the batteries are contained, must be
labeled or marked clearly with any one of the following phrases:
"Universal Waste - Battery(ies)," or "Waste Battery(ies)," or
"Used Battery(ies)."

2. a container, (or multiple container package unit),
tank, transport vehicle or vessel in which recalled universal

waste pesticides as described in LAC 33:V.3805.A.1 are contained
must be labeled or marked clearly with:

a. the label that was on or accompanied the
product as sold or distributed; and

b. the words "Universal Waste - Pesticide(s)" or
"Waste - Pesticide(s),"

3. a container, tank, or transport vehicle or vessel
in which unused pesticide products as described in LAC
33:V.3805.A.2 are contained must be:

a. labeled or marked clearly with:

i. the label that was on the product when
purchased, if still legible;

ii. the appropriate label as required under
the U.S. Department of Transportation regulation 49 CFR part
172; or

iii. another label prescribed or designated
by the waste pesticide collection program administered or
recognized by the state; and

b. the words "Universal Waste - Pesticide(s)" or

"Waste - Pesticide(s)."

4. universal waste thermostats (i.e., each
thermostat), or a container in which the thermostats are
contained, must be labeled or marked clearly with any one of the
following phrases: "Universal Waste - Mercury Thermostat(s),"
or "Waste Mercury Thermostat(s)," or "Used Mercury
thermostat(s)."

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§3825. Accumulation Time Limits

A. A small quantity handler of universal waste may
accumulate universal waste for no longer than one year from the
date the universal waste is generated, or received from another
handler, unless the requirements of Subsection B of this Section
are met.

B. A small quantity handler of universal waste may

accumulate universal waste for longer than one year from the
date the universal waste is generated, or received from another
handler, if such activity is solely for the purpose of
accumulation of such quantities of universal waste as necessary
to facilitate proper recovery, treatment, or disposal. However,
the handler bears the burden of proving that such activity is
solely for the purpose of accumulation of such quantities of
universal waste as necessary to facilitate proper recovery,
treatment, or disposal.

C. A small quantity handler of universal waste who
accumulates universal waste must be able to demonstrate the
length of time that the universal waste has been accumulated
from the date it becomes a waste or is received. The handler
may make this demonstration by:

1. placing the universal waste in a container and
marking or labeling the container with the earliest date that
any universal waste in the container became a waste or was
received;

2. marking or labeling each individual item of

universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;

3. maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;

4. maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

5. placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

6. any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste,